

Table 7c. ACTION-SPECIFIC APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS AND TO-BE-CONSIDERED GUIDANCE FOR REMEDIAL ALTERNATIVES AT MORNING STAR MINE.				
Source or Authority	Requirement, Standard or Criterion	Type	Description	Remarks
Federal				
NPS Solid Waste Regulations	36 CFR Part 6	Relevant and Appropriate	Establishes regulatory authority for solid waste disposal within National Park Service administrative boundaries.	
Mining in the Parks Act	36 CFR Part 9A	Relevant and Appropriate	Establishes regulatory authority for mining activities within National Park Service administrative boundaries.	Provides implementing regulations for reclamation requirements.
Clean Water Act and regulations	33 USC § 1251 <i>et seq.</i>	Relevant and Appropriate	Establishes regulatory authority to the Corps of Engineers for discharges of dredged and fill materials in all “waters of the United States,” including wetlands.	Potential conflict with method of closure for open pit if the pit has been designated a wetland by COE/EPA.
National Pollutant Discharge System	40 CFR Parts 122, 125, pursuant to 33 USC § 1342	Relevant and Appropriate	Regulates the discharge of treated effluent and storm water runoff.	Applies to design and construction of sediment and erosion control.
Effluent Limitations	40 CFR Part 440, pursuant to 33 USC § 1311	Applicable	Sets standards for discharge of treated effluent to waters of the U.S.	To be considered regarding conveyance of impacted waters.
RCRA Subtitle C	40 CFR Part 261.4(b)(7) and RCRA Section 3001(b) (Belvill Amendment)	Applicable	Regulations disposal of hazardous materials and mining waste.	To be considered if preferred alternative determined to be mining activity. Applicable, relevant and appropriate for disposal of mine wastes and sludges if any found to be hazardous.
Guidelines for Development and Implementation of State Solid Waste Management Plans	40 CFR Part 256	TBC	Establishes criteria for solid waste disposal facilities.	Applicability and relevance to be determined by whether site is closed as part of a “removal” action or as part of a mining operation.
Criteria for Classification of Solid Waste Disposal Facilities and Practices	40 CFR Part 257	TBC	Establishes criteria for solid waste disposal facilities and solid waste management.	Applicability and relevance to be determined by whether site is closed as part of a “removal” action or as part of a mining operation.
California				
California Clean Air Act	Mojave Desert Air Quality Monitoring District Rule 201	TBC	This rule requires an operator to obtain a permit prior to initiating any activity that may eliminate, reduce or control the issuance of air contaminants without first obtaining written authorization from the Air Pollution Control Officer.	Applies to any equipment that could cause or reduce air contaminants.
California Clean Air Act	Mojave Desert Air Quality Monitoring District Rule 202	TBC	This rule provides for a temporary permit until the permit to operate is granted or denied.	This permit would serve as a temporary permit until the permit to operate is granted.
California Clean Air Act	Mojave Desert Air Quality Monitoring District Rule 203	TBC	This rule requires a written permit from the Air Pollution Control Officer prior to operating equipment that may cause air pollution.	This permit would be required if equipment that could cause air pollution was proposed for use.
California Clean Air Act	Mojave Desert Air Quality Monitoring District Rule 402	Applicable	This rule prohibits discharge of air contaminants which cause injury, detriment, nuisance or annoyance.	Applies to “any sources whatsoever.”

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California Surface Mining and Reclamation Act	Cal. Public Resources Code §§ 2710, et. seq. And implementing regulations 14 CCR §§ 3500 et. seq.	Relevant and Appropriate	Regulates surface mining.	Potentially applicable mine reclamation requirements after site cleanup completed.
California				
California Integrated Waste Management Board Regulations	Title 14 CCR, Natural Resources Division 7, California Integrated Waste Management Board (CIWMB)	Applicable	Regulates nonhazardous waste management in California.	Establishes performance standards and minimum requirements for the handling of solid wastes. Designed to permit flexibility for operators to meet objectives set by the standards.
California Solid Waste Management Regulations	Title 27 CCR Chapters 1, 2, 3, and 4	Applicable	Regulatory standards promulgated by the California Integrated Waste Management Board.	Applies to all disposal active, inactive closed or abandoned sites to protect aspects of the public health and safety and the environment, other than water quality.
California Solid Waste Management Regulations	Title 27 CCR Chapter 3	Potentially Applicable and Relevant	Establishes criteria for all waste management units, facilities and disposal sites.	Applies to units closed as landfills or as land treatment units (LTUs). Requires closure/post closure financial assurance.
California Mining Waste Management Regulations	Title 27 CCR Chapter 7, Subchapter 1. Article 1. Mining Waste Management Regulations (C15: Article 7) Section: 22470. SWRCB - Applicability	Potentially Applicable and Relevant	Regulations promulgated by the State Water Resources Board and administered by the Regional Water Quality Control Board (RWQCB).	Applies to discharges of “mining wastes” including surface impoundments, waste piles, and tailings ponds which receive waste discharges after November 27, 1984. Establishes that an RWQCB can exempt a mining waste pile from the liners and leachate collection and removal systems required by this article if the discharger clearly demonstrates that leachate will not form in or escape from that Mining Unit. The RWQCB can also exempt mining units that contain nonhazardous soluble pollutants of concentrations which exceed water quality objectives for, or could cause, degradation of waters of the state if a comprehensive hydrogeologic investigation demonstrates that there are only very minor amounts of groundwater underlying the area.
California Mining Waste Management Regulations	Title 27 CCR Chapter 7, Subchapter 1. Article 1. Mining Waste Management Regulations (C15: Article 7) Section: 22510. SWRCB – Closure and Post Closure Maintenance of Mining Units (C15: Section 2574)	Potentially Applicable and Relevant	Provides that post-closure land uses pose no threat to water quality.	Requires an approved closure and post closure maintenance plan for waste containment, precipitation and drainage controls, and monitoring. Containment structures at inactive sites are subject to the same standards as active mining units.